

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 7,347,011	)	Serial No. 10/791,289
	)	
Inventor(s): Bhupesh DUA <i>et al</i>	)	Filed: March 3, 2004
	)	
Issue Date: March 25, 2008	)	Attorney Docket No. 005127.00260

For: ARTICLE OF FOOTWEAR HAVING A TEXTILE UPPER

**REQUEST FOR CERTIFICATE OF CORRECTION**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building, Mail Stop: Certificate of Correction Branch  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, this is a request for the issuance of a Certificate of Correction in the above-identified patent. A copy of PTO Form 1050 is appended. The complete Certificate of Correction involves one page.

The mistakes identified in the appended Form occurred through no fault of the Applicants, as clearly disclosed by the records of the application, which matured into this patent. Enclosed for your convenience is the relevant portion of the Amendment filed January 12, 2007.

Issuance of the Certificate of Correction containing the corrections is respectfully requested. Since these changes are necessitated through no fault of the Applicants, no fee is believed to be associated with this request. Nonetheless, should the Patent and Trademark Office determine that a fee is required, please charge our Deposit Account No. 19-0733.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: January 13, 2009 \_\_\_\_\_  
Banner & Witcoff, Ltd  
1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
(202) 824-3000

By: /Holly L. Johnston/ \_\_\_\_\_  
Holly L. Johnston  
Registration No. 59,496

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO.: 7,347,011  
DATED: March 25, 2008  
INVENTOR(S): Bhupesh DUA *et al*

It is certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, References Cited section (56), Other Publications:

Please insert the following reference: --International Search Report in corresponding PCT application, International Application No. PCT/US2005/004776, mailed May 19, 2005.--

In Column 11, Claim 2, Line 62:

Please replace "welt-knitted" with --welt-knitted--

In Column 12, Claim 8, Line 15:

Please replace "farms" with --forms--

In Column 12, Claim 23, Line 66:

Please replace "textile" with --textile--

Mailing Address of Sender:

Banner & Witcoff, Ltd.  
1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, DC 20005-4051

U.S. PAT. NO 7,347,011

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,289	03/03/2004	Bhupesh Dua	005127.00260	8919
22909	7590	09/12/2006	EXAMINER	
BANNER & WITCOFF, LTD.			PATTERSON, MARIE D	
1001 G STREET, N.W.			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-4597			3728	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/791,289		DUA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Marie Patterson		3728	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) 50-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 and 65-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received:

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/2004&amp;5/2005</u>   | 6) <input type="checkbox"/> Other: _____                          |



PTO/SB/08a (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete If Known</b>	
		Application Number	10/791,289
		Filing Date	3/3/04
		First Named Inventor	Bhupesh Dua, et al.
		Art Unit	3728
		Examiner Name	TBD
Sheet 1 of 1	Attorney Docket Number	005127.00260	

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
MP		US- 5,345,638	09-13-1994	Nishida, et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>4</sup>
		Country Code <sup>2</sup> - Number <sup>3</sup> - Kind Code <sup>4</sup> (if known)				
MP		WO 90/03744	04-19-1990	BBFPT, Inc.		
MP		EP 1 437 057	07-14-2004	Mizuno Corp.		
MP		GB 1 539 888	02-07-1978	Ashworths Ltd.		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		International Search Report in corresponding PCT application, International Application No. PCT/US2005/004776, mailed May 19, 2005	

Examiner Signature	/Marie Patterson/	Date Considered	09/01/2006
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**RECEIVED  
CENTRAL FAX CENTER****JAN 12 2007****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***In re* Application of )

Bhupesh DUA, et al. )

Serial Number 10/791,289 )

Filed: March 3, 2004 )

For: AN ARTICLE OF FOOTWEAR )  
HAVING A TEXTILE UPPER )

Art Unit: 3728

Examiner: Patterson, M.

Attorney Ref : 005127.00260

**AMENDMENT**Commissioner for Patents  
U.S. Patent and Trademark Office  
Alexandria, VA 22313

Sir:

In response to the Office Action dated September 12, 2006, please amend the above-captioned patent application as follows:

No amendments to the Abstract, Specification, or Drawings are made by this paper.

Amendments to the Claims are reflected in the "Listing of Claims," which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

Application of Bhupesh Dua, et al. - U.S. Patent Application No. 10/791,289

### LISTING OF CLAIMS

This Listing of Claims will replace all prior versions and Listings of Claims in the application:

- 1 (Currently amended). An article of footwear comprising:  
an upper incorporating a weft-knitted textile element ~~formed through a weft knitting process, the textile element~~ having edges that are joined together to define at least a portion of a void for receiving a foot, wherein the weft-knitted textile element incorporates a single type of textile having a plurality of knit constructions; and  
a sole structure secured to the upper.
- 2 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile element forms at least a portion of a lateral side, a medial side, and an instep region of the upper.
- 3 (Original). The article of footwear recited in claim 1, wherein the edges include a pair of first edges that are joined to form a first seam extending longitudinally along a lower region of the upper.
- 4 (Original). The article of footwear recited in claim 3, wherein the edges include a pair of second edges that are joined to form a second seam extending along a heel region of the upper.
- 5 (Original). The article of footwear recited in claim 4, wherein the second seam extends vertically.
- 6 (Original). The article of footwear recited in claim 4, wherein the edges include at least a pair of third edges that are joined to form a third seam extending through a forefoot area of the upper.

## Application of Bhupesh Dua, et al. - U.S. Patent Application No. 10/791,289

7-10 (Canceled).

11 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile element is one of an exterior layer, an intermediate layer, and an interior layer of the upper.

12 (Currently amended). The article of footwear recited in claim 1, wherein the upper includes an exterior layer, an intermediate layer, and an interior layer, and the weft-knitted textile element forms at least a portion of the interior layer.

13 (Currently amended). The article of footwear recited in claim 1, wherein the weft-knitted textile layer-element forms at least a portion of both an interior surface and an exterior surface of the upper.

14 (Original). The article of footwear recited in claim 13, wherein at least one additional element is secured to the exterior surface and forms a portion of the exterior surface.

15 (Original). The article of footwear recited in claim 14, wherein the additional element is secured to a forefoot area of the upper.

16 (Original). The article of footwear recited in claim 14, wherein the additional element is secured to a heel area of the upper.

17 (Original). The article of footwear recited in claim 1, wherein the textile element forms an interior surface of the upper.

18 (Currently amended). The article of footwear recited in claim 1, wherein the ~~weft knitting process is~~ weft-knitted textile element is created by circular knitting.

19 (Currently amended). The article of footwear recited in claim 1, wherein the ~~weft knitting process is~~ weft-knitted textile element is created by flat knitting.

Application of Bhupesh Dua, et al. – U.S. Patent Application No. 10/791,289

26 (Original). The article of footwear recited in claim 20, wherein the textile layer forms at least a portion of both the interior surface and an exterior surface of the upper.

27 (Currently amended). The article of footwear recited in claim 20, wherein the weft-knitted textile element forms an interior surface of the upper.

28 (Currently amended). An article of footwear comprising:  
an upper incorporating a textile element having edges that are joined together to form seams and define at least a portion of a void for receiving a foot, the seams including a first seam and a second seam, the first seam extending from a heel area to a forefoot area of the footwear along a lower surface of the upper, and the second seam extending vertically in the heel area, wherein the textile element incorporates a single type of textile having a plurality of knit constructions; and  
a sole structure secured to the upper.

29 (Original). The article of footwear recited in claim 28, wherein the footwear includes a third seam extending through the forefoot area of the upper.

30 (Canceled).

31 (Currently amended). The article of footwear recited in claim ~~30-28~~, wherein at least one of the ~~first stitch type and the second stitch type form~~ knit constructions forms an aperture in the textile element.

32 (Currently amended). The article of footwear recited in claim ~~30~~ 28, wherein the knit constructions produce varying properties include in the textile element including a varying elasticity of the textile element.